Brent	**General Purposes Committee** 23rd February 2017 **Report from the Strategic Director, Regeneration and Environment**
For Action	Wards Affected: Kilburn
Report Title: **Stopping Up Order – Land North Chippenham Gardens (Kilburn Park Post Office)**	

1.0 Summary

1.1 This report seeks authorisation to make a Stopping Up Order for an area of public highway consisting of footway and road located north of Chippenham Gardens under Section 247 of the Town and Country Planning Act 1990 (TCPA 1990).

1.2 This Order is required to complete the development situated at the land north of Chippenham Gardens (near Kilburn Park Post Office site) which consist of the demolition of the existing buildings at Nos. 5-9 Chippenham Gardens, Kilburn Park and Nos. 4-26 Stuart Road. The redevelopment of the site will provide a part-four, -five and -six storey building comprising of 52 self-contained flats (24x1 bed, 19x2 bed and 9x3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision, general amenity space and alterations to the existing highway.

2.0 Recommendations

2.1 That members note that the draft Stopping Up Order has been advertised in accordance with the requirements of Section 247 TCPA 1990 and that in response to the consultation, 11 consultees have informed the Council that they have either no objections or no record of apparatus in the immediate vicinity of our enquiry. Westminster City Council has no objection to the making of the order and Virgin media invite to seek the diversion of its apparatus if required by the development.

2.2 That the Committee approve the Stopping Up Order and agree that a notice of making should be advertised.

3.0 Detail

3.1 Planning consent was granted following the Planning Committee meeting of 14th July 2016 for demolition of existing buildings at Nos. 5-9 Chippenham Gardens, Kilburn Park Post Office and Nos. 4-26 Stuart Road (even numbers) and redevelopment of the site to provide part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision, alterations to Chippenham Gardens and the stopping up of part of the frontage of the site to facilitate construction of the proposed building.

3.2 This development is part of the Council's South Kilburn Regeneration development programme.

3.3 There will be no other significant changes to the design or traffic and parking management arrangements on the area of highway to be stopped up.

3.4 A draft Stopping Up Order was made under Section 247 TCPA 1990 to enable the redevelopment to take place. A copy of the Order is attached at Appendix 1, together with the relevant plan showing the proposed area to be stopped up and the notice of proposal advertised on 13th October 2016 in the local press and the London Gazette. Statutory consultees, namely utility companies, Transport for London and Westminster City Council were notified of the proposed Stopping-Up Order by e-mail and correspondence.

3.5 The Council received 11 responses from utility companies with either no objections or no record of apparatus in the immediate vicinity of our enquiry. These were from:

- ATKINS working on behalf of Vodafone dated 14th October 2016
- Colt Technology Services dated 19th October 2016
- ESP Gas Group Ltd dated 12th October 2016
- London Fire Brigade dated 12th October 2016
- Instalcom dated 14th October 2016
- Nationalgrid dated 17th October 2016
- Network Rail dated 12th October 2016
- Scottish & Southern Electricity Networks dated 18th October 2016
- London Underground dated 26th October 2016
- Transport for London (TfL) dated 1st October 2016
- Thames Water dated 31st October 2016

3.6 The Council also received a response from Virgin Media and Westminster City Council respectively.

3.7 The letter from Virgin Media was a notice to a reference drawing, marked to show the approximate position of plant owned and operated by Virgin Media in the vicinity with an invitation to seek the diversion of its apparatus if required by the development. The developer will make such arrangements if required.

3.8 Westminster City Council has no objection to the making of the order as it will neither affect the highway network of Westminster nor their residents or businesses.

3.9 Members are now requested to approve the making of the Stopping Up Order to complete the development of the site.

4.0 Financial Implications

4.1 The Stopping Up Order making costs of approximately £5,000 will be initially met by Highways and Infrastructure Service and recharged to the South Kilburn Programmed budget.

4.2 There are no other financial implications on the Council's revenue budgets.

5.0 Legal Implications

5.1 Section 247 of the Town and Country Planning Act 1990 (TCPA 1990) permits the making of an order for the stopping up of a highway necessary to enable development to be carried in accordance with a valid planning permission. A stopping up order extinguishes the right of the public to pass and repass over the land to which the order will apply. Compensation is not payable to those adversely affected by the order.

5.2 Officers have taken the Council's legal advice as to the statutory requirements in relation to the promotion of the Stopping Up Order. If it is agreed to make the Order a notice of making of the Order will be publicised. It will not be open to further objection by the public or other authorities. However where an order is made and published, or the council decides not to confirm the order this be challenged within certain time limits.

6.0 Diversity implications

6.1 There is no diversity implications associated with the approval of this Stopping Up Order.

7.0 Staffing / Accommodation Implications

7.1 None specific.

Appendices

Appendix 1 – Stopping Up Order with notice and plan

Background Papers

Correspondence of Highway and Transport Delivery File TO/23/022/NP
Planning Committee, 14th July 2016, Agenda item No. 02, Case No. 16/1191.

Contact Officers

Nicolaas Potgieter – Highways and Infrastructure Service, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. Telephone: 020 8937 5600. E-mail nicolaas.potgieter@brent.gov.uk.

Marie Frederick – Senior Project Manager (Estate Regeneration), South Kilburn Office, Albert Road, NW6 5DE Telephone: 020 8937 1621. E-mail marie.frederick@brent.gov.uk.

Appendix 1 – Stopping Up Order with notice and plan

SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990

LAND NORTH CHIPPENHAM GARDENS (KILBURN PARK POST OFFICE)
THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (No *) ORDER 201*

MADE XXXXX 2016

THIS ORDER is made by the Mayor and Burgesses of the London Borough of Brent acting in its capacity as a local highway authority and in exercise of its powers under Section 247 of the Town and Country Planning Act 1990 (**"the Act"**) as amended by Section 270 and Schedule 22 of the Greater London Authority Act 1999 and of all other powers enabling it in that behalf.

BY THIS ORDER:

1. The Council authorises the stopping up of the highway described in the First Schedule to this Order and shown in red hatching on the Deposited Plan (**"the Highway"**), in order to enable the development described in the Second Schedule to this Order to be carried out in accordance with the planning permission granted under Part III of the Act by the Council on 5 August 2016 under planning reference number: 16/1191 (**"the Development"**).

2. In the event that the Development is not implemented on the Highway, the stopping up of the Highway shall not come into effect.

3. Where immediately before the date of this order there is any apparatus of statutory undertakers under, in, on, over along or across any area of the Highway authorised to be stopped up pursuant to this order then, subject to section 261 (4) of the Act, those undertakers shall have the same rights as respects that apparatus after the area of the Highway is stopped up as they had immediately beforehand.

4. In this order "the Deposited Plan" means the plan deposited in the offices of Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, under plan AV4486 SU 001.

5. This order shall come into force on the date on which notice that it has been made is first published in accordance with Section 252(10) of the Act, and may be cited as Land North Chippenham Gardens (Kilburn Park Post Office) The London Borough of Brent (Stopping up of Highways) (No*) Order 201*.

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THE FIRST SCHEDULE

Description of Highway to be Stopped Up

The adopted highway area/reference and zone listed in the table below and shown in red hatching on Drawing No. AV4486 SU 001 attached to this Order. The area quoted in the table is the approximate average and has been rounded up. The drawing should be referred to for exact location.

Name / Reference of Highway	Zone Reference / Address of Highway	Starting Grid reference	Ending Grid reference	Highway to be stopped up
				Area (m^2)
The Hatched Red Area of the Public Highway to the North of Kilburn Park Post Office Site on Chippenham Gardens	Land bounded by Stuart Road to the North; and Malvern Road to the West in London Borough of Brent.	E525184.80 N182618.86	E525180.91 N182607.01	**31.08**

THE SECOND SCHEDULE

THE DEVELOPMENT

Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and redevelopment of the site to provide part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens.

THE COMMON SEAL OF THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BRENT was hereunto affixed in the presence of	))))

Dated: 201*

XXX
(Solicitor)

Brent

SECTION 247 TOWN AND COUNTRY PLANNING ACT 1990

LAND NORTH CHIPPENHAM GARDENS (KILBURN PARK POST OFFICE)
THE LONDON BOROUGH OF BRENT (STOPPING UP OF HIGHWAYS) (No *) ORDER 201*

1. NOTICE IS HEREBY GIVEN that The Mayor and Burgesses of the London Borough of Brent propose to make an order under Section 247 of the Town and Country Planning Act 1990 (**"The Act"**) to authorise the stopping up of the area of public highway described in Schedule 1 to this notice.

2. If the order is made, the stopping up will be authorised only in order to enable the development described in Schedule 2 to this notice to be carried out in accordance with the planning permission granted by the London Borough of Brent as Local Planning Authority on 5 August 2016 under Planning Reference No. 16/1191

3. A copy of the draft order and a plan of the relevant area can be inspected and a copy requested free of charge during normal office hours on Mondays to Fridays inclusive until the expiration of a period of 28 days from 13 October 2016 at Brent Customer Services, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ and the Community Resource Centre, William Dunbar House, Albert Road, Kilburn, London NW6 5DE.

4. Persons desiring to object to the making of the proposed order should send a statement in writing of their objection and the grounds thereof, to the Head of Highways and Infrastructure, Highways Infrastructure, 5th Floor North Wing, Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ, or via email to trafficorders@brent.gov.uk, quoting the reference AV4486 SU 001, within the period of 28 days from the 13 October 2016.

5. In preparing an objection it should be borne in mind that the substance of it may be imparted to other persons who may be affected by it and that those persons may wish to communicate with the objector about it.

Dated 13 October 2016

Tony Kennedy
Head of Highways and Infrastructure

SCHEDULE 1

The hatched red area of the public highway as shown on the Deposited Plan is to be stopped up. It is located to the north of Kilburn Park Post Office site on Chippenham Gardens, and bounded by Stuart Road to the north and Malvern Road to the west with starting grid reference E525184.80, N182618.86 and ending grid reference E525180.91, N182607.01.

SCHEDULE 2

Demolition of existing buildings at 5-9 Chippenham Gardens, Kilburn Park Post Office and 4-26 Stuart Road (even numbers) and redevelopment of the site to provide part-four, -five and -six storey building comprising 52 self-contained flats (24 x 1 bed, 19 x 2 bed and 9 x 3 bed) with associated highway works, hard and soft landscaping, cycle and refuse provision and alterations to Chippenham Gardens.

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LONDON BOROUGH OF BRENT
STOPPING UP OF HIGHWAYS (NO*) ORDER 201*
LAND NORTH CHIPPENHAM GARDENS
(KILBURN PARK POST OFFICE)

AREA TO BE STOPPED UP

PLAN REF : AV4486 SU 001

Brent